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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAYUP, INC.,
Plaintiff(s),

v.

DR. LAILA MINTAS,
Defendant(s).

Case No. 2:21-cv-02129-GMN-NJK

Order

[Docket No. 46]

13 Pending before the Court is Plaintiff's motion to extend. Docket No. 46. Defendant filed
14 a response. Docket No. 47. Plaintiff filed a reply. Docket No. 50. The motion is properly resolved
15 without a hearing. *See* Local Rule 78-1. For the reasons discussed below, the motion is
16 **GRANTED** in part and **DENIED** in part.

17 **I. STANDARDS**

18 A request to extend unexpired deadlines must be premised on a showing of good cause.
19 Fed. R. Civ. P. 6(b)(1). The good cause analysis generally turns on whether the subject deadlines
20 cannot reasonably be met despite the exercise of diligence. *See, e.g., Maxson v. H&R Block, Inc.*,
21 2017 WL 1078633, at *2 (D. Nev. Mar. 21, 2017). The party seeking the extension bears the
22 burden of establishing good cause. *See Singer v. Las Vegas Athletic Clubs*, 376 F. Supp. 3d 1062,
23 1077 (D. Nev. 2019).

24 **II. ANALYSIS**

25 Plaintiff's motion seeks relief both as to the deadline to respond to the counterclaim and to
26 the deadline allowing amendment as a matter of course. *See* Docket No. 46 at 5. The Court will
27 address each request in turn below.
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1 A. DEADLINE TO RESPOND TO COUNTERCLAIM

2 The Court begins with the deadline to respond to the counterclaim. Defendant offered to
 3 stipulate to extend this deadline by 30 days contingent on Counterclaimant Simic accepting service
 4 through counsel. *See* Docket No. 46 at 3. Plaintiff rebuffed this offer, seeking instead an extension
 5 of 45 days with no guarantee with respect to accepting service. *See id.*; *see also id.* at 4 n.3 (“we
 6 will seek permission from our client to accept service once the requested relief of the enlargement
 7 is granted”).¹ In reply, however, Plaintiff represented that counsel “will now agree to accept
 8 service” subject to a 45-day extension. Docket No. 50 at 4. Hence, the only live dispute between
 9 the parties on this subject is whether a 30-day or 45-day extension is warranted. Neither party
 10 provides meaningful explanation to advance their preference on this front, so the Court will
 11 provide an extension of 37 and ½ days.

12 Accordingly, the deadline to respond to the counterclaim will be extended to noon on
 13 March 7, 2022. A formal acceptance of service for Counterclaimant Simic must be provided in
 14 prompt fashion.

15 B. DEADLINE TO AMEND PLEADINGS AS A MATTER OF COURSE

16 The Court will next address the deadline to amend as a matter of course. Plaintiff has not
 17 provided sufficient reason to justify this relief. First, Plaintiff provides no legal authority
 18 addressing an extension of the deadline to amend as a matter of course.^{2,3} Such an absence of legal
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20 ¹ “Rule 4(d)(2) [of the Federal Rules of Civil Procedure] imposes a *duty* to avoid
 21 unnecessary costs of service.” *Estate of Darulis v. Garate*, 401 F.3d 1060, 1063 (9th Cir. 2005)
 (emphasis in original).

22 ² Plaintiff conflates two distinct issues: (1) whether this filing deadline should be extended
 23 and (2) whether leave to amend should be granted. *See, e.g.*, Docket No. 50 at 3, 5.

24 ³ The Court notes some additional issues so that they do not recur in the future. First,
 25 citations must include the specific page number at which referenced language can be found. Local
 Rule IA 7-3(b). Plaintiff’s reply cites four Ninth Circuit cases, providing erroneous pin-citations
 26 for all of them. *See* Docket No. 50 at 3, 5. Second, Plaintiff relies on an unpublished Ninth Circuit
 27 case from 1996. *Id.* at 5. Such reliance is improper. Ninth Circuit Rule 36-3(c) (unpublished
 28 dispositions issued before January 1, 2007, “may not be cited to the courts of this circuit” except
 in narrow circumstances not present here). Third, the motion itself does not provide meaningful
 discussion of the governing standards or identify case law in support of Plaintiff’s position. Docket
 No. 46. A motion itself must include meaningful presentation of the legal issues involved. *See,*
e.g., Bazuaye v. I.N.S., 79 F.3d 118, 120 (9th Cir. 1996).

1 authority is significant given that some courts have expressed reluctance to extend this particular
2 deadline. *Jaime v. Parts Auth. LLC*, 2021 WL 1163165, at *1 (D. Ariz. Mar. 26, 2021) (“The
3 Court does not typically grant extensions of such deadlines”). Indeed, Plaintiff has not sufficiently
4 explained the need for the extension. Plaintiff claims on the one hand that it will suffer “severe
5 prejudice” by being forced to file a motion to amend as opposed to amending as a matter of course,
6 Docket No. 50 at 5, but asserts on the other hand that a motion to amend filed at the early stages
7 of litigation is subject to extremely liberal standards, *see id.* Given that Plaintiff expresses
8 confidence in being able to meet its burden on a motion for leave to amend, it is unclear why there
9 is any significant need to engage in motion practice to extend the deadline to allow amendment as
10 a matter of course. *Cf. Jaime*, 2021 WL 1163165, at *1 (declining to extend deadline to amend as
11 a matter of course because the plaintiff can simply file a motion for leave to amend after that
12 deadline has expired).

13 Second, and significantly, Plaintiff’s request is predicated on the fact that counsel filed a
14 motion to substitute into the case on January 19, 2022, *see* Docket No. 42, but Plaintiff does not
15 address the local rule indicating that such substitution is **not** a good reason for delay, Local Rule
16 IA 11-6(d) (“substitution of an attorney will not alone be reason for delay of pretrial proceedings”).

17 Having not provided legal authority on the particular issue in dispute and having not
18 explained how the request squares with the local rules that appear to foreclose the relief sought,
19 this request will be denied. *Cf. Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 582 n.3 (D. Nev.
20 2013) (courts only resolve well-developed arguments).

21 **III. NOTICE TO COUNSEL**

22 The Court is dismayed by the snarky tenor of the papers. Such sniping may impede the
23 ability to advance a client’s interests and may erode the credibility of the attorney(s) engaged in
24 such conduct. *Dunn v. Wal-Mart Stores, Inc.*, 2013 WL 5940099, at *3-4 (D. Nev. Nov. 1, 2013).
25 The privilege of practicing in this courthouse requires professionalism and civility not exhibited
26 in the pending motion practice. Local Rule 1-1(c). Counsel must do better moving forward.

1 **IV. CONCLUSION**

2 For the reasons discussed more fully above, the motion to extend is **GRANTED** in part
3 and **DENIED** in part. The deadline to respond to the counterclaim will be extended to noon on
4 March 7, 2022.

5 IT IS SO ORDERED.

6 Dated: January 26, 2022

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10 Nancy J. Koppe
11 United States Magistrate Judge
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